



Entered on Docket
October 03, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Bundy Canyon (\$2.5 Million)
Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Bundy Canyon (\$2.5 Million) Loan, [DE 8759] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Bundy Canyon (\$2.5 Million) Loan; and good
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8759] is sustained;
- 5 2. The claims listed on **Exhibit A** attached are 80% disallowed and 20%
6 allowed to the extent those claims are based upon an investment in the Bundy Canyon
7 (\$2.5 Million) Loan; and
- 8 3. To the extent those claims are based upon an investment in a different
9 loan(s) they are not affected by this Order.

10
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

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21 *Attorneys for USACM Liquidating Trust*

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Bundy Canyon (\$2.5 Million) Loan
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Bundy Canyon \$2,500,000 Loan	Amount Allowed	Amount Disallowed
10725-01175	Nix, John	836 Temple Rock Ct Boulder City, NV 89005	710,937.34	50,000.00	10,000.00	40,000.00
10725-01646	Phillips Family Trust Dtd 10/24/89	Steve And Or Frances Phillips Trustees 2275 Schooner Circle Reno, NV 89519	37,500.00	12,500.00	2,500.00	10,000.00
10725-02423	Pinsker, Donald H	8650 W Verde Way Las Vegas, NV 89149-4145	1,633,057.16	75,000.00	15,000.00	60,000.00
10725-01644	Sexton, David	21929 N 79Th Pl Scottsdale, AZ 85255	58,043.27	50,000.00	10,000.00	40,000.00
10725-01169	Tomlin, Donald S	Donald S & Dorothy R Tomlin Trustees 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	51,104.00	10,220.80	40,883.20
10725-02163	Voglis, Marietta	3333 Allen Prky. Unit 1102 Houston, TX 77019	724,292.85	75,000.00	15,000.00	60,000.00
10725-01952	Zerbo, Anthony J	780 Saratoga Ave Apt S-107 San Jose, CA 95129	1,757,710.50	50,000.00	10,000.00	40,000.00

EXHIBIT A